



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,981	12/11/2003	Toshihiko Munetsugu	32161US2	1257

116 7590 06/24/2005

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,981

Applicant(s)

MUNETSUGU ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

18

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed 03/25/2005 to the original application filed 12/11/2003, which is Con. of No. 09/467231, filed 12/20/1999.
2. Claims 1-36 are currently pending in this application. Claims 1, 9, 17, and 27 are independent claims.
3. Applicant's argument to the double patenting rejection set forth in the previous office action is acknowledged. Upon further review by the examiner, the double patenting rejection is withdrawn and a proper double patenting rejection is provided.

Specification

4. The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. CIT. 1993); *In re Longi*, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); In re van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Uogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. ' 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Pending claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 55-82 of copending Application No. 09/467,231 (hereinafter '231) in view of **Mauldin et al.** (U.S. 5,664,227, issued 09/1997).

As to pending independent claims 1, 9, 17, and 27, claims 55, 61, 67, and 75 of '231' teach substantially the same as pending independent claims 1, 9, 17, and 27.

- a. Additionally, pending independent claims 1, 9, 17, and 27 further recite "a viewpoint represented by at least one keyword describing scenes".
- b. Mauldin teaches a viewpoint represented by at least one keyword describing scenes (*the keyword selection for the user's context ... identified keywords are used to extract the most relevant portions of the audio; col.8, lines 3-7*).

Art Unit: 2176

- c. It would have been obvious to a person skill in the art at the time the invention was made to combined the teachings of Mauldin and '231' because it would have provided the capability for performing high speed scans of digital video segments by presenting quick representations of scenes.

As to pending dependent claims 2-8, 10-16, 18-26, and 28-36, claims 56-60, 62-66, 68-74, and 76-82, repeatedly, teach substantially the same as pending claims 2-8, 10-16, 18-26, and 28-36.

This is provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

WB

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 3-9, 11-17, 19-27 and 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mauldin et al.** (U.S. 5,664,227, issued 09/1997, cited by Applicant's IDS.)

As to independent claim 9:

- a. Mauldin teaches a data processing method comprising:
- (i) inputting content description data (*Fig.2, items 18 and 20 – shows video and audio data are input*) describing plurality of segments in which each of said plurality of segments represents a scene of media content constituted by a plurality of scenes (*e.g., the video data 20 is input into an image process function ...then segmenting that digitalized video data into paragraph based on content; col.5, lines 16-29*); and
 - (ii) selection means for selecting one of said plurality of segments (*e.g., selecting representative frames from each of the video segments; col.3, lines 21-31/ the selection of video segments; col.5, lines 10-15*).
- b. Mauldin does not specially teach *scores that are attribute information of the media content representing a viewpoint representing by at least one keyword describing scenes, the scores also representing degree of relative importance of each of said plurality of segments based on the viewpoint* as claimed. However, Mauldin's teachings "keywords are identified ... determined keywords; col.7, lines 34-44 and Fig.2" suggest "*scores that are attribute information of the media content representing a viewpoint representing by at least one keyword describing scenes*" and "identification keywords are used to extract the most relevant portions of the

audio ...to determine the relative importance of a word; col.7, line 66-col.8, line 15” suggest *“the scores also representing degree of relative importance of each of said plurality of segments based on the viewpoint.”*

- c. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied Mauldin’s teachings to include *“scores that are attribute information of the media content representing a viewpoint representing by at least one keyword describing scenes, the scores also representing degree of relative importance of each of said plurality of segments based on the viewpoint”* because it would have provided the capability for performing high speed scans of digital video segments by presenting quick representations of scenes.

As to dependent claim 11:

Mauldin teaches the content description data includes supplemental information (*col.5, lines 31-44*).

As to dependent claim 12:

Mauldin teaches the media content corresponds to video data and/or audio data (*Fig. 2, video data 20 & audio data 18*).

As to dependent claim 13:

Mauldin teaches each of the plurality of segments is provided with linkage information for linking to dominant data that presents the segment (*col.5, lines 31-44*).

As to dependent claim 14:

Mauldin teaches the dominant data is text data, image data and/or audio data (*col.4, lines 53-67*).

As to dependent claims 15-16:

Mauldin teaches a plurality of sets of the viewpoint and the scores are described in one segment (*col.5, lines 1-9 and item 48 in Fig.1*).

As to independent claim 1:

It is directed to a data processing apparatus for performing the method of claim 9, and is similarly rejected under the same rationale.

As to dependent claims 3-8:

They include the same limitations as in claims 11-16, and are similarly rejected under the same rationale.

As to independent claim 27:

- a. The rejection of independent claim 9 above is incorporated herein in full.

Additionally, claim 17 further recites “a plurality of scenes that are marked off by time according to scene boundary, and scores that are attribute information of the media contents presenting time information describing scene boundaries.”
- b. While Mauldin teaches a plurality of scenes that are marked off by time according to scene boundary (*to identify segment boundaries, the image processing function 231 locates beginning and end points for each shot, scene, conversation, or the like by applying machine vision methods the interpret image sequences; col.5, lines 16-29*), but does not specially teach “scores that are attribute information of the media contents presenting time information.”

- c. Refer to the rejection of claim 9 above for “scores that are attribute information of the media contents presenting time information.”

As to dependent claims 29-34:

They include the same limitations as in claims 3-8, and are similarly rejected under the same rationale.

As to dependent claims 35-36:

Mauldin teaches the time information includes starting time and ending time of each scene (*e.g., beginning and end points for each shot, scene; col.5, lines 25-29 and col.8, lines 55-59*).

As to independent claim 17:

It is directed to a data processing method for performing the method of claim 27, and is similarly rejected under the same rationale.

As to dependent claims 19-24:

They include the same limitations as in claims 3-8, and are similarly rejected under the same rationale.

As to dependent claims 25-26:

They include the same limitations as in claims 35-36, and are similarly rejected under the same rationale.

9. Claims 2, 10, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mauldin et al.** in view of **Ozsoyoglu et al.** “Automating the Assembly of Presentation from Multimedia Databases” (cited by Applicant’s IDS, issued 1996).

As to dependent claims 2, 10, 18, and 28:

- a. Mauldin does not teach “the plurality of segments are hierarchically described.”
- b. Ozsoyoglu teaches the plurality of segments are hierarchically described (*each segment in the multimedia is denoted by a node; page 595, left column & Figs.3.1 & 3.2*).
- c. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu and Mauldin because it would have provided capability for organizing the segments of multimedia contents in the system.

Response to Arguments

- 10. Applicant’s arguments filed 03/25/2005 have been fully considered but they are not persuasive.
 - a. After further review of the claimed limitations in light of the prior art, the examiner has determined that the previously cited base reference does fully teach/suggest the claim limitations as set forth supra. The rejection of claims 1, 9, 17, and 27 contain a detailed mapping of each element in the claim with its equivalent component taught in Mauldin’s prior art.
 - b. Applicant argues that *Mauldin does not suggest inputting any data including a “score” and a “viewpoint”*. (Remarks, page 4, 3rd full para.)

Art Unit: 2176

- c. In response, Mauldin does suggest inputting data including a score and a viewpoint (keywords are identified ... determined keywords; col.7, lines 34-44 and Fig.2).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balogh et al. U.S. Patent No. 5,493,677 issued: Feb. 20, 1996

Morgan et al. U.S. Patent No. 5,717,879 issued: Feb. 10, 1998

Cruz, G. and Hill, R., "Capturing and Playing Multimedia Events with STREAMS", ACM Multimedia'94, San Francisco, CA, Oct.1994, pp.193-200.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
6/22/2005